

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>TIMOTHY EASON,</b> <b>Plaintiff,</b> <b>v.</b>  <b>CITY OF PHILADELPHIA, et al.,</b> <b>Defendants.</b>	: : : : : : :	<b>CIVIL ACTION NO. 10-3279</b>
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**ORDER**

**AND NOW**, this 10<sup>th</sup> day of December 2014, upon consideration of Plaintiff's Motion to Amend the Complaint [Doc. No. 48], and Defendant's response in opposition, it is hereby **ORDERED** that the Motion is **GRANTED**. Plaintiff's Proposed First Amended Complaint, attached as Exhibit A to Doc. No. 48, is deemed filed.

Upon consideration of Defendant's Motion for Summary Judgment [Doc. No. 46], and the response, reply, and sur-reply thereto, it is hereby **ORDERED** that the Motion is **GRANTED** in part and **DISMISSED WITHOUT PREJUDICE** in part. It is granted as to Count III of the Amended Complaint (which was the only count stated in the original complaint), and dismissed without prejudice as to Count I of the Amended Complaint.<sup>1</sup>

The parties shall complete any additional discovery on the newly added claims by **January 9, 2015**. If Defendant wishes to move for summary judgment on these claims, he may do so on or before **January 23, 2015**. Any motion for summary judgment shall follow the standard method, and not this Court's alternative method. However, Defendant shall still include with his motion a Statement of Stipulated Material Facts, setting forth only material facts which are not in dispute.

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<sup>1</sup> The Motion does not address Count II of the Amended Complaint.

It is hereby **ORDERED** that the parties shall report to the Court in writing with respect to whether the case is settled on or before **December 23, 2014**. In the event the case is not settled, counsel shall include in their joint report a statement as to whether they believe a settlement conference before a magistrate judge, mediation under Local Civil Rule 53.3, or some other form of alternative dispute resolution might be of assistance in resolving the case and, if so, on what form of alternative dispute resolution they agree and by what date they will be prepared to commence such proceedings.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFE, J.**